

ARTICLE APPEARED
ON PAGE B-4NEW YORK TIMES
2 November 1984

Politics and Press Blamed in Vietnam

By M. A. FARBER

A trial that is rearguing the Vietnam War heard a former chief of the Defense Intelligence Agency say yesterday that the war was won militarily in 1968 and only lost later because of political decisions and the press.

Lieut. Gen. Daniel O. Graham, who directed the intelligence arm of the Joint Chiefs of Staff in 1974 and 1975, told the jury in Gen. William C. Westmoreland's libel suit against CBS that the enemy in Vietnam was "whipped" from the time of its Tet offensive in early 1968.

A hushed room of spectators listened as General Graham testified in Federal Court in Manhattan that South Vietnam would have prevailed if the United States had not "slashed" military aid to it in 1974 and if the press — in ways that were not specified — had not contributed to "defeat."

"We made political decisions to withdraw just as we were making great headway," General Graham said, "and, even in the end, had the South Vietnamese been supported, they would have survived the assault of the North Vietnamese."

General Graham's statements — underscoring the breadth of issues being aired publicly, if not actually tried, in this case — were made under cross-examination by David Boies, a lawyer for CBS. The 58-year-old general, a shock of white hair jutting over his forehead, answered Mr. Boies's questions on the outcome of the war with the same deliberation he gave to such subjects as whether he once planned to join

General Westmoreland as a plaintiff in the suit:

Outer Space Defenses

Mr. Boies sought, too, to undermine General Graham's credibility as a witness by showing that, through his association with the Reagan Administration's so-called "Star Wars" program to put missile defenses in outer space, he was still deeply allied with military interests.

Although General Westmoreland's lawyers maintained that General Graham's present activities were irrelevant to the suit, Federal Judge Pierre N. Leval had the witness explain that he is now director of High Frontier, a nonprofit lobby aimed at "convincing the country that we must support our space technology for both security and economic advantages."

Mr. Boies then asked the general whether he believed the 1982 CBS Reports documentary that is the basis for General Westmoreland's \$120 million suit — and that accused General Graham of "blocking" critical intelligence information on the enemy in 1967 — had "adversely affected the reputation of the military."

A. Yes, I do.

Q. Did the broadcast adversely affect your reputation?

A. Yes, it did.

The documentary — entitled "The Uncounted Enemy: A Vietnam Deception" — charged that, in the year before the Tet offensive, officers at the "highest levels" of military intelligence engaged in a conspiracy to minimize the strength of the enemy to make it appear that America was winning the war.

Data on Enemy Strength

General Westmoreland, who is 70 years old, contends that CBS libeled him by saying on the broadcast that he had deceived President Johnson and the Joint Chiefs of Staff about the size and nature of Communist forces, leaving them unprepared for the Tet offensive.

On the program, two former intelligence officers in Vietnam also said that General Graham — then a lieutenant colonel in Saigon — interfered with the accurate reporting of North Vietnamese infiltration into South Vietnam and ordered them to "tamper" with computer data on enemy strength.

On the broadcast, as well as at the trial, General Graham denied the allegations.

Yesterday, Mr. Boies asked General Graham whether he had had any conversations with General Westmoreland in 1982 about the latter's suit against CBS.

A. Yes.

Q. Did General Westmoreland ask

you to join this suit?

A. Yes, he did. I said I would, if it was necessary to prevent a delaying tactic by CBS until General Westmoreland died, since I was likely to outlive him.

Mr. Boies raised his voice and moved closer to the witness.

Q. Did General Westmoreland tell you there was a possibility this case would be delayed?

A. Yes, he did.

Q. Did General Westmoreland tell you that his attorneys twice asked for postponements that were opposed by CBS?

After Judge Leval sustained a plaintiff's objection, General Graham said that General Westmoreland's attorneys had ultimately "dissuaded" him from joining the case.

The judge later instructed the jury that CBS had caused "absolutely no delay" of the trial.

Much of General Graham's testimony yesterday was devoted to a calculation he had made in September 1967 that the Communist enemy was being depleted faster than it could find replacements.

The general, who was then in charge of estimating current enemy strength for General Westmoreland, applied an "input-output" analysis to the question of enemy strength. He concluded, he testified, that, if the enemy totaled 300,000 in the fall of 1967, it must have been as large as 550,000 at its "peak" in early 1968.

Mr. Boies turned to General Graham's pretrial deposition, in which the general said that enemy losses averaged 5,000 a month. Factoring this figure into the general's conclusion of 550,000 in 1968, Mr. Boies tried to show that the enemy had to have been at least 400,000 strong a year to 18 months later.

A key issue in the trial is whether General Westmoreland's estimate of an enemy of 300,000 in late 1967 — as opposed to higher totals favored by some Central Intelligence Agency analysts — was honestly arrived at.

General Graham said that Mr. Boies was losing sight of many variables in the calculation performed in 1967 — including the possibility that the 5,000-a-month decline in enemy strength fluctuated — and that Mr. Boies's "nifty arithmetic" was not necessarily right. "I might be simple-minded," the witness said, "but I'm not that simple-minded."

General Graham — followed on the stand late yesterday by Robert M. Leverone, another intelligence officer, whose testimony will continue Monday — said that, ordinarily, counting the Vietcong was like "counting cockroaches in a dark barn with a flashlight."